UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/118
3 February 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Note by the Secretariat on the provisional work programme of the Independent Expert on the right to development

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PROVISIONAL WORK PROGRAMME AND RELATED BUDGETARY REQUIREMENTS SUBMITTED BY THE INDEPENDENT EXPERT

Introduction

1. In its resolution 1998/72 the Commission on Human Rights decided to establish the mandate of independent expert on the right to development as part of the follow-up mechanism to the Declaration on the Right to Development. This provisional work programme is submitted by the independent expert for the information of the Commission at its fifty-fifth session with a view to providing them with an indication of possible lines of approach to be developed in the discharge of his mandate. A study will be submitted to the open-ended working group of the Commission for consideration at its meeting in June 1999.

I. WHAT IS TO BE IMPLEMENTED?

Essence of the right to development

2. The Declaration on the Right to Development sets out clearly the essential elements of the right and those will form the basis of the expert's study. At a future date he will examine the theoretical aspects of the right and possible amendment, extension and reformulation of the Declaration to make it more precise and more accessible to implementation and enforcement. But in this year's report the emphasis would be on strategies for implementing the right to development as elaborated in the 1986 Declaration, consistent with the principles and practices of international law and placed against a background of globalization and increased integration of the world.

3. Article 1 of the Declaration states that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. Article 8 specifies that States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating social injustice. States should also encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights. Violations of human rights should be halted.

Responsibility of States and international cooperation

4. While article 3, paragraph 1 of the Declaration places upon States the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development, article 4, paragraph 2 clearly states that effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

5. Article 2, paragraph 3 of the Declaration provides that States have the right and the duty to formulate appropriate national development policies. Article 4, paragraph 2 adds that sustained action is required to promote more rapid development of developing countries.

6. However, article 3, paragraph 3 of the Declaration makes it clear that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to it. The principle of cooperation is also a cornerstone of the International Covenant on Economic, Social and Cultural Rights, which in article 23, provides for international action for the achievement of the rights recognized in the Covenant.

Elimination of obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights

7. Article 6 of the Declaration calls for international cooperation with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms. In particular, States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights. States must take resolute steps to eliminate massive and flagrant violations of human rights.

II. AN AGENDA FOR IMPLEMENTATION

8. The foregoing snapshot of the Declaration indicates that, in any agenda for implementation of the right to development, national action, which is of primary importance, must be complemented by international cooperation. With increased integration of the global economy, the policies and actions of a State at the national level are circumscribed by the interaction between States, policies adopted by other States and the overall international environment. Any strategy for implementing the right to development therefore has to build on nation action by combining with mutually consistent international action based on cooperation in the diverse fields of economic activity and institutions.

9. It would be important to provide to the open-ended working group of the Commission analytically presented information and materials that would enable it to take its deliberations forward concretely in its quest to further the implementation of the right to development.

10. With a view to the preparation of such analytical materials, the expert proposes to undertake the following course of action:

(a) To make case studies in respect of States which have experienced financial, economic or social turbulence and which have received international financial assistance packages, and to analyse them from the point of view of the impact of those phenomena on the achievement of the right to development;

(b) To invite all Governments to provide information on concrete measures they are pursuing at the national level to further the right to development as a human right;

(c) To organize a consultation with the participation of eminent personalities from the different regions of the world to discuss the replies received from Governments and to help prepare an analysis for the open-ended working group;

(d) To invite regional and subregional (economic and social) organizations, to submit information on regional or subregional cooperation efforts for the implementation of the right to development. An analytical presentation of the information received will be presented to the open-ended working group;

(e) To request organizations and agencies of the United Nations system, as well as the international financial and development organizations to provide information on what they are doing to further the implementation of the right to development. A consultation will be organized with representatives of these organizations to help draw up a report for the open-ended working group;

(f) To ask the leading human rights non-governmental organizations in consultative status with the Economic and Social Council to submit information and insights relevant to the elimination of obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

III. SPECIFIC PLANS

11. The implementation of the mandate, as outlined above, requires:

(i) Travel and subsistence for the missions of the independent expert (two working days in each country/city)

For 1999

Asia: four countries (Indonesia, Republic of Korea, Thailand, Malaysia);

Central and Eastern Europe: four countries (Bulgaria, Poland, the Russian Federation, Kazakstan);

Two visits each to three cities in three regions to meet with NGOs and consult with Governments and aid agencies (London, New York, Toronto, Mexico, Australia, South Africa).

For 2000

Latin America and the Caribbean: four countries (Argentina, Mexico, Brazil, Guyana);

Africa: four countries (South Africa, Ghana, Tanzania, Egypt);

Two visits each to three cities in three regions to meet with NGOs and consult with Governments and aid agencies (Amsterdam, Stockholm, Washington, San Francisco, Tokyo, Beijing).

(ii) Visits to international institutions and attendance at meetings by the independent expert

For 1999

Committee on Economic, Social and Cultural Rights;

IMF-World Bank (five working days);

Asian Development Bank (three working days);

Commission on Human Rights (five working days);

Latin American regional seminar on the right to development, in Santiago, Chile (three working days);

African regional seminar on the right to development, in Tunis, Tunisia (three working days);

Consultation with a group of eminent personalities;

Inter-agency consultation to contribute to the draft report of the open-ended working group.

For 2000

Committee on Economic, Social and Cultural Rights;

World Bank and Inter-American Bank for Development;

Commission on Human Rights (five working days);

Asian regional seminar on the right to development (three working days);

Central and Eastern European regional seminar on the right to development (three working days).

(iii) Local support to the independent expert in New Delhi, India

Local currency provision for meeting the research and related expenses in an amount equal to:

One local P-3 level staff for six work-months in 1999;

One local P-3 level staff for six work-months in 2000;

One local GS staff for six work-months each in 1999 and 2000.

12. Items (i) and (ii) above are only provisional estimates of the maximum expenditures that may be incurred, as in practice it may not be possible to carry out all the visits, given the time and logistics restraints. However, the expenditures under item (iii) will be the essential minimum required to carry out the tasks of the mandate.